

to identify positively a container, to detect and record the unauthorized intrusion of a container, and to secure a container against tampering throughout the supply chain. Such a device, or system, shall have a low false alarm rate as determined by the Secretary.

(7) Department

The term “Department” means the Department of Homeland Security.

(8) Examination

The term “examination” means an inspection of cargo to detect the presence of misdeclared, restricted, or prohibited items that utilizes nonintrusive imaging and detection technology.

(9) Inspection

The term “inspection” means the comprehensive process used by the United States Customs and Border Protection to assess goods entering the United States to appraise them for duty purposes, to detect the presence of restricted or prohibited items, and to ensure compliance with all applicable laws. The process may include screening, conducting an examination, or conducting a search.

(10) International supply chain

The term “international supply chain” means the end-to-end process for shipping goods to or from the United States beginning at the point of origin (including manufacturer, supplier, or vendor) through a point of distribution to the destination.

(11) Radiation detection equipment

The term “radiation detection equipment” means any technology that is capable of detecting or identifying nuclear and radiological material or nuclear and radiological explosive devices.

(12) Scan

The term “scan” means utilizing nonintrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a container.

(13) Screening

The term “screening” means a visual or automated review of information about goods, including manifest or entry documentation accompanying a shipment being imported into the United States, to determine the presence of misdeclared, restricted, or prohibited items and assess the level of threat posed by such cargo.

(14) Search

The term “search” means an intrusive examination in which a container is opened and its contents are devanned and visually inspected for the presence of misdeclared, restricted, or prohibited items.

(15) Secretary

The term “Secretary” means the Secretary of Homeland Security.

(16) Transportation disruption

The term “transportation disruption” means any significant delay, interruption, or stop-

page in the flow of trade caused by a natural disaster, heightened threat level, an act of terrorism, or any transportation security incident (as defined in section 70101(6) of title 46).

(17) Transportation security incident

The term “transportation security incident” has the meaning given the term in section 70101(6) of title 46.

(Pub. L. 109-347, § 2, Oct. 13, 2006, 120 Stat. 1886.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 109-347, Oct. 13, 2006, 120 Stat. 1884, known as the Security and Accountability For Every Port Act of 2006 or the SAFE Port Act. For complete classification of this Act to the Code, see Tables.

Section 9503(c) of the Omnibus Budget Reconciliation Act of 1987, referred to in par. (2), is section 9503(c) of title IX of Pub. L. 100-203, which is set out as a note under section 2071 of Title 19, Customs Duties.

SHORT TITLE

Pub. L. 109-347, § 1(a), Oct. 13, 2006, 120 Stat. 1884, provided that: “This Act [see Tables for classification] may be cited as the ‘Security and Accountability For Every Port Act of 2006’ or the ‘SAFE Port Act’.”

SUBCHAPTER I—SECURITY OF UNITED STATES SEAPORTS

PART A—PORT SECURITY GRANTS; TRAINING AND EXERCISE PROGRAMS

§ 911. Port Security Training Program

(a) In general

The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, shall establish a Port Security Training Program (referred to in this section as the “Training Program”) for the purpose of enhancing the capabilities of each facility required to submit a plan under section 70103(c) of title 46 to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

(b) Requirements

The Training Program shall provide validated training that—

(1) reaches multiple disciplines, including Federal, State, and local government officials, commercial seaport personnel and management, and governmental and nongovernmental emergency response providers;

(2) provides training at the awareness, performance, and management and planning levels;

(3) utilizes multiple training mediums and methods;

(4) addresses port security topics, including—

(A) facility security plans and procedures, including how security plans and procedures are adjusted when threat levels increase;

(B) facility security force operations and management;

(C) physical security and access control at facilities;

(D) methods of security for preventing and countering cargo theft;

- (E) container security;
- (F) recognition and detection of weapons, dangerous substances, and devices;
- (G) operation and maintenance of security equipment and systems;
- (H) security threats and patterns;
- (I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and
- (J) evacuation procedures;

(5) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(6) is evaluated against clear and consistent performance measures;

(7) addresses security requirements under facility security plans; and

(8) educates, trains, and involves individuals in neighborhoods around facilities required to submit a plan under section 70103(c) of title 46 on how to observe and report security risks.

(c) Omitted

(d) Consultation

The Secretary shall ensure that, in carrying out the Program, the Office of Grants and Training shall consult with commercial seaport personnel and management.

(e) Training partners

In developing and delivering training under the Training Program, the Secretary, in coordination with the Maritime Administration of the Department of Transportation, and consistent with section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note), shall—

- (1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and nongovernmental emergency responder providers or commercial seaport personnel and management; and
- (2) utilize, as appropriate, government training facilities, courses provided by community colleges, public safety academies, State and private universities, and other facilities.

(Pub. L. 109-347, title I, § 113, Oct. 13, 2006, 120 Stat. 1895.)

REFERENCES IN TEXT

Section 109 of the Maritime Transportation Security Act of 2002, referred to in subsec. (e), is section 109 of title I of Pub. L. 107-295, which is set out as a note under section 70101 of Title 46, Shipping.

CODIFICATION

Section is comprised of section 113 of Pub. L. 109-347. Subsec. (c) of section 113 of Pub. L. 109-347 amended section 70103 of Title 46, Shipping.

§ 912. Port Security Exercise Program

(a) In general

The Secretary, acting through the Under Secretary for Preparedness and in coordination

with the Commandant of the Coast Guard, shall establish a Port Security Exercise Program (referred to in this section as the “Exercise Program”) for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, the private sector, or any other organization or entity, as the Secretary determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at facilities required to submit a plan under section 70103(c) of title 46.

(b) Requirements

The Secretary shall ensure that the Exercise Program—

(1) conducts, on a periodic basis, port security exercises at such facilities that are—

(A) scaled and tailored to the needs of each facility;

(B) live, in the case of the most at-risk facilities;

(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(E) evaluated against clear and consistent performance measures;

(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, and the private sector; and

(G) followed by remedial action in response to lessons learned; and

(2) assists State and local governments and facilities in designing, implementing, and evaluating exercises that—

(A) conform to the requirements of paragraph (1); and

(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

(c) Improvement plan

The Secretary shall establish a port security exercise improvement plan process to—

(1) identify and analyze each port security exercise for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the Exercise Program;

(3) monitor the implementation of lessons learned and best practices by participants in the Exercise Program; and

(4) conduct remedial action tracking and long-term trend analysis.

(Pub. L. 109-347, title I, § 114, Oct. 13, 2006, 120 Stat. 1896.)

§ 913. Facility exercise requirements

The Secretary of the Department in which the Coast Guard is operating shall require each high risk facility to conduct live or full-scale exercises described in section 105.220(c) of title 33, Code of Federal Regulations, not less frequently than once every 2 years, in accordance with the facility security plan required under section 70103(c) of title 46.

(Pub. L. 109-347, title I, § 115, Oct. 13, 2006, 120 Stat. 1897.)

PART B—PORT OPERATIONS**§ 921. Domestic radiation detection and imaging****(a) Scanning containers**

Subject to section 1318 of title 19, not later than December 31, 2007, all containers entering the United States through the 22 ports through which the greatest volume of containers enter the United States by vessel shall be scanned for radiation. To the extent practicable, the Secretary shall deploy next generation radiation detection technology.

(b) Strategy

The Secretary shall develop a strategy for the deployment of radiation detection capabilities that includes—

- (1) a risk-based prioritization of ports of entry at which radiation detection equipment will be deployed;
- (2) a proposed timeline of when radiation detection equipment will be deployed at each port of entry identified under paragraph (1);
- (3) the type of equipment to be used at each port of entry identified under paragraph (1), including the joint deployment and utilization of radiation detection equipment and non-intrusive imaging equipment;
- (4) standard operating procedures for examining containers with such equipment, including sensor alarming, networking, and communications and response protocols;
- (5) operator training plans;
- (6) an evaluation of the environmental health and safety impacts of nonintrusive imaging technology and a radiation risk reduction plan, in consultation with the Nuclear Regulatory Commission, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health, that seeks to minimize radiation exposure of workers and the public to levels as low as reasonably achievable;
- (7) the policy of the Department for using nonintrusive imaging equipment in tandem with radiation detection equipment; and
- (8) a classified annex that—
 - (A) details plans for covert testing; and
 - (B) outlines the risk-based prioritization of ports of entry identified under paragraph (1).

(c) Report

Not later than 90 days after October 13, 2006, the Secretary shall submit the strategy developed under subsection (b) to the appropriate congressional committees.

(d) Update

Not later than 180 days after the date of the submission of the report under subsection (c),

the Secretary shall provide a more complete evaluation under subsection (b)(6).

(e) Other weapons of mass destruction threats

Not later than 180 days after October 13, 2006, the Secretary shall submit to the appropriate congressional committees a report on the feasibility of, and a strategy for, the development of equipment to detect and prevent shielded nuclear and radiological threat material and chemical, biological, and other weapons of mass destruction from entering the United States.

(f) Standards

The Secretary, acting through the Director for Domestic Nuclear Detection and in collaboration with the National Institute of Standards and Technology, shall publish technical capability standards and recommended standard operating procedures for the use of nonintrusive imaging and radiation detection equipment in the United States. Such standards and procedures—

- (1) should take into account relevant standards and procedures utilized by other Federal departments or agencies as well as those developed by international bodies; and
- (2) shall not be designed so as to endorse specific companies or create sovereignty conflicts with participating countries.

(g) Implementation

Not later than 3 years after October 13, 2006, the Secretary shall fully implement the strategy developed under subsection (b).

(h) Expansion to other United States ports of entry**(1) In general**

As soon as practicable after—

(A) implementation of the program for the examination of containers for radiation at ports of entry described in subsection (a); and

(B) submission of the strategy developed under subsection (b) (and updating, if any, of that strategy under subsection (c)),

but not later than December 31, 2008, the Secretary shall expand the strategy developed under subsection (b), in a manner consistent with the requirements of subsection (b), to provide for the deployment of radiation detection capabilities at all other United States ports of entry not covered by the strategy developed under subsection (b).

(2) Risk assessment

In expanding the strategy under paragraph (1), the Secretary shall identify and assess the risks to those other ports of entry in order to determine what equipment and practices will best mitigate the risks.

(i) Intermodal Rail Radiation Detection Test Center**(1) Establishment**

In accordance with subsection (b), and in order to comply with this section, the Secretary shall establish an Intermodal Rail Radiation Detection Test Center (referred to in this subsection as the “Test Center”).

(2) Projects

The Secretary shall conduct multiple, concurrent projects at the Test Center to rapidly

identify and test concepts specific to the challenges posed by on-dock rail.

(3) Location

The Test Center shall be located within a public port facility at which a majority of the containerized cargo is directly laden from (or unladen to) on-dock, intermodal rail.

(Pub. L. 109-347, title I, §121, Oct. 13, 2006, 120 Stat. 1898.)

§ 922. Inspection of car ferries entering from abroad

Not later than 120 days after October 13, 2006, the Secretary, acting through the Commissioner, and in coordination with the Secretary of State and in cooperation with ferry operators and appropriate foreign government officials, shall seek to develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States facility required to submit a plan under section 70103(c) of title 46.

(Pub. L. 109-347, title I, §122, Oct. 13, 2006, 120 Stat. 1899.)

§ 923. Random searches of containers

Not later than 1 year after October 13, 2006, the Secretary, acting through the Commissioner, shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling, to conduct random searches of containers in addition to any targeted or preshipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Secretary. Nothing in this section shall be construed to mean that implementation of the random sampling plan precludes additional searches of containers not inspected pursuant to the plan.

(Pub. L. 109-347, title I, §123, Oct. 13, 2006, 120 Stat. 1899.)

§ 924. Threat assessment screening of port truck drivers

Not later than 90 days after October 13, 2006, the Secretary shall implement a threat assessment screening, including name-based checks against terrorist watch lists and immigration status check, for all port truck drivers with access to secure areas of a port who have a commercial driver's license but do not have a current and valid hazardous materials endorsement issued in accordance with section 1572 of title 49, Code of Federal Regulations, that is the same as the threat assessment screening required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG-2006-24189 (Federal Register, Vol. 71, No. 82, Friday, April 28, 2006).

(Pub. L. 109-347, title I, §125, Oct. 13, 2006, 120 Stat. 1900.)

§ 925. Border Patrol unit for United States Virgin Islands

(a) In general

The Secretary may establish at least 1 Border Patrol unit for the United States Virgin Islands.

(b) Report

Not later than 180 days after October 13, 2006, the Secretary shall submit a report to the appropriate congressional committees that includes the schedule, if any, for carrying out subsection (a).

(Pub. L. 109-347, title I, §126, Oct. 13, 2006, 120 Stat. 1900.)

§ 926. Center of Excellence for Maritime Domain Awareness

(a) Establishment

The Secretary shall establish a university-based Center for Excellence for Maritime Domain Awareness following the merit-review processes and procedures that have been established by the Secretary for selecting university program centers of excellence.

(b) Duties

The Center established under subsection (a) shall—

(1) prioritize its activities based on the “National Plan To Improve Maritime Domain Awareness” published by the Department in October 2005;

(2) recognize the extensive previous and ongoing work and existing competence in the field of maritime domain awareness at numerous academic and research institutions, such as the Naval Postgraduate School;

(3) leverage existing knowledge and continue development of a broad base of expertise within academia and industry in maritime domain awareness; and

(4) provide educational, technical, and analytical assistance to Federal agencies with responsibilities for maritime domain awareness, including the Coast Guard, to focus on the need for interoperability, information sharing, and common information technology standards and architecture.

(Pub. L. 109-347, title I, §128, Oct. 13, 2006, 120 Stat. 1900.)

SUBCHAPTER II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

PART A—GENERAL PROVISIONS

§ 941. Strategic plan to enhance the security of the international supply chain

(a) Strategic plan

The Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies and private sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall develop, implement, and update, as appropriate, a strategic plan to enhance the security of the international supply chain.

(b) Requirements

The strategic plan required under subsection (a) shall—

(1) describe the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private-sector stakeholders that relate to the security of the